CONDITIONS OF APPROVAL - EXHIBIT D

Conditional Use Permit DRC2003-00001

Approved Development

1. This approval authorizes approval of a redesigned and reduced Major Agricultural Cluster consistent with the Applicant Proposed Alternative 2 with a maximum of 83 residential parcels. The redesigned Major Agriculture Cluster subdivision is to allow an agricultural cluster subdivision of twenty-one parcels (totaling 1,910 acres) into eighty-three (83) residential lots and ~~four~~ five (45) open space lots. The proposed project includes 82 1-acre residential lots, one (1) residential lot for the existing estate, a homeowner's association facility, recreation center, and community center (ranch headquarters), 25 acres of internal access roads, and a wastewater treatment plant. The redesigned and reduced subdivision is to incorporate the following:

   a. An open space parcel shall be a minimum of 95 percent of the gross site area in the Agriculture land use category and 90% of the gross site area in the Rural Lands land use category. The 90 and 95 percent calculations may not include areas in and around the residential lots.
   b. Residential development should convert no more than 5 percent of the project site area in the Agriculture land use category, and no more than 10 percent of the project site area in the Rural Lands land use category to non-agricultural uses.
   c. Residential development shall be located consistent with the reduced Applicant Proposed Alternative 2, as amended.
   d. Each lot limited to one residence (no additional primary residence or secondary residences)
   e. Minimum parcel sizes as feasible and clustered as close to existing development and roads as possible while avoiding environmental resources wherever feasible to reduce development footprint and area of disturbance
   f. Provide agricultural buffers on all perimeter properties that interface with existing or potential agricultural production areas. Residential parcels would need to be large enough to accommodate the buffer.
   ~~g. Fencing that would preclude residents from accessing the non-residential portion of the site should be installed. In general, this would be along the perimeter of the properties that interface with existing or potential agricultural production areas.~~

2. The applicant shall apply for a Vesting Tentative Tract Map consistent with these conditions of approval.

3. **Upon application for a land use permit for the dude ranch on the 388 acre tract map parcel**, the applicant shall provide development plans and reports that meet at least the following standards:

   a. Visibility of the built portion of the dude ranch from Upper Los Berros Road shall be avoided or minimized to the greatest extent feasible through setbacks from Upper Los Berros Road, site design and retention of existing vegetation. The development shall not rely solely on architectural design and/or new landscaping to reduce visibility.

b. Access roads and entry points to the dude ranch shall be designed and aligned to reduce their visibility from Upper Los Berros Road including required grading, and minimize views to the interior developed portion of the dude ranch.
c. A visual impact report shall be prepared for the dude ranch that assesses the project's adherence to the above standards, identifies potential impacts, and develops appropriate avoidance, minimization, and mitigation measures.

4. **Upon application for a land use permit for the dude ranch**, the applicant shall submit plans demonstrating compliance with the Uniform Fire Code and CAL FIRE requirements, including, but not limited to vegetative fuel management, water storage for fire suppression, and use of non-flammable building materials.

Conditions required to be completed at the time of application of subdivision improvement plans

Aesthetic Resources

5. **AES/mm-18 At the time of application for subdivision improvement plans**, the applicant shall modify Sub-cluster B as follows:

a. Site grading on Lots 78 through 85 shall be minimized to the greatest extent possible. Stepped foundations and other methods shall be used to minimize visible grading and reduce hillside scarring. Structure floor elevations shall generally follow the natural landform. Unavoidable grading shall be contour-graded where possible to avoid engineered, angular landforms.
b. Native trees and shrubs shall be planted and maintained along the north side of Upper Los Berros Road to screen views of the residences. The screen planting shall run along the entire project frontage from the existing secondary access road to a point east of Lot 83. The planting shall be designed to look like naturally occurring vegetation to the greatest extent possible. Gaps in the screen planting may occur in order to achieve a natural appearance; however, the gaps shall not be greater than 30 feet in length and shall not occur at intervals closer than 200 feet. Tree species shall include primarily coast live oak. A minimum of 70 percent of the total screen tree planting shall be planted from 48-inch box containers. The remaining 30 percent of the screen planting shall be from one-gallon containers.

6. **AES/mm-20 At the time of application for subdivision improvement plans**, the applicant shall show that building heights for Lots 23 through 42 of Sub-cluster D shall be a maximum 25 feet in height as measured by County ordinance.

Agricultural Resources

7. **AG/mm-4 At the time of application for subdivision improvement plans**, the applicant shall identify additional areas for treated effluent disposal, pursuant to Regional Water Quality Control Board review and approval. Alternative areas may include, but not be limited to: vineyards, orchards, and grazing land; and, common landscape areas. The applicant shall provide evidence that the owners of open space lots where effluent disposal will occur have granted permission for this use.

Air Quality

8. **AQ/mm-18 At the time of application for subdivision improvement plans or grading permits, and subsequent individual lot construction permits**, the applicants shall:

   a. Conduct a geologic analysis to determine the presence or absence of ultramafic and/or serpentine rock onsite. The geologic analysis shall identify if asbestos is contained within the these rocks onsite; and,
   b. If naturally-occurring asbestos is found at the project site, the applicant must comply with all requirements outlined in SLOAPCD Rule 412, which incorporates state regulations at 17 CCR, § 93104, and federal regulations at 40 CFR Part 63. In addition, the applicants shall work with the SLOAPCD to prepare an Asbestos Health and Safety Program and an Asbestos Dust Control Plan prior to development plan approval. These plans may include, but are not limited to, the following:
      1. Equipment operator safety requirements: protective clothing, breathing apparatuses to prevent inhalation of airborne asbestos fibers,
      2. Dust mitigation measures: continually water site to prevent airborne dust migration, cover all vehicle that haul materials from the site, all other legally required mitigation requirements, and
      3. Identification of SLOAPCD-approved disposal areas for all excavated materials.
   c. f naturally-occurring asbestos is not present, an exemption request must be filed with the SLOAPCD.

9. **AQ/mm-19 At the time of application for subdivision improvement plans or grading permits**, and subsequent individual lot construction permits, the applicant shall submit plans demonstrating compliance with the following measures where applicable:

   a. Increase the building energy efficiency rating by 20 percent above 2008 Title 24 requirements (i.e., increase attic, wall, or floor insulation, install double pane windows, use efficient interior lighting, etc.).
   b. Use electric lawnmowers for common area landscaping.
   c. Use drought-resistant native trees, trees with low emissions (e.g., terpenes), and high carbon sequestration potential. Evergreen trees on the north and west sides afford the best protection from the setting summer sun and cold winter winds. Additional considerations include the use of deciduous trees on the south side of the house that will provide shade in summer but allow sunlight in winter.
   d. ~~Trusses~~ Roof framing for south-facing portions of roof shall be designed to handle dead weight loads of standard solar-heated water and photovoltaic panels. Roof design shall include sufficient south-facing roof surface, based on structures size and use, to accommodate ~~adequate~~ solar panels. For south facing roof pitches, the closest standard roof pitch to the ideal average solar exposure shall be used.
   e. Building positioning and engineering that eliminate or minimize the development's active heating and cooling needs (e.g., solar orientation).
   f. Have two to three neighborhood electric vehicles available onsite for residents to use to travel between homes and project amenities (i.e., pool, spa, community center).
   g. Provide front and back yard outdoor electrical outlets to encourage the use of electric appliances and tools.
   h. Build new homes with internal wiring/cabling that allows Internet use simultaneously in at least three locations in each home.
   i. Native, drought tolerant shade tree planting along southern exposures of buildings to reduce summer cooling needs.

j. Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs.
k. Use high efficiency, gas or solar water heaters.
l. Use energy efficient built-in appliances.
m. Use low energy street and common area lights (i.e. sodium).
n. Use energy efficient interior lighting.
o. Use low energy traffic signals (i.e. light emitting diode).
p. Install door sweeps and weather stripping if more efficient doors and windows are not available.
q. Install high efficiency or gas space heating and cooling systems.
r. Provide shade tree planting in parking lots to reduce evaporative emissions from parked vehicles. Design should provide 50% tree coverage within ten years of construction using low ROG emitting, low maintenance native drought resistant trees.
s. No residential wood burning devices shall be allowed.
t. Incorporate traffic calming modifications to project roads, such as narrower streets (minimum County and CAL FIRE standards), speed platforms, bulb-outs and intersection designs that reduce vehicle speeds and encourage pedestrian and bicycle travel.
~~u. Increase the number of connected bicycle routes/lanes in the vicinity of the project.~~
~~v.~~u. Provide easements or land dedications and construct bikeways and pedestrian walkways.
~~w.~~v. Utilize green building materials (materials that are resource efficient, recycled, and sustainable) available locally if possible.
~~x.~~w. Design building to include roof overhangs that are sufficient to block the high summer sun, but not the lower winter sun, from penetrating south facing windows (passive solar design).
~~y.~~x. Utilize double-paned windows.
~~z.~~y. Install energy-reducing programmable thermostats.
~~aa.~~z. Participate in and implement available energy-efficient rebate programs including air conditioning, gas heating, refrigeration, and lighting programs.
~~bb.~~aa. Eliminate high water consumption landscape (e.g. plants and lawns) in residential design. Use native plants that do not require watering and are low ROG emitting.
~~cc.~~bb. Provide storage space in garage for bicycles~~ and bicycle trailers, or covered racks/lockers to service the residential units~~.
~~dd.~~cc. Apply low volatile organic compound (VOC) paint (interior and exterior) (71 grams/liter or less).
~~ee.~~dd. Institute recycling and composting services (as feasible).
~~ff.~~ee. Incorporate a water efficient irrigation system.

10. **AQ/mm-21 At the time of application for subdivision improvement plans or grading permits for the proposed wastewater treatment facility and effluent storage ponds**, the applicant shall develop and implement an odor abatement plan (OAP) to be implemented by the mutual water company for the wastewater treatment plant operator. The plan shall be submitted to the County Planning and Building Department and SLOAPCD for review and approval prior to issuance of grading permits. The plan(s) shall include the following, or similar measures:

a. Name and telephone number of contact person responsible for logging and responding to odor complaints

b. Policy and procedure to be taken when an odor complaint is received
c. Description of the potential odor sources at onsite facilities.
d. Description of methods for reducing odors at the facility.
e. Activated carbon filters/carbon adsorption in primary clarifiers, headworks building, aeration basin influent channel, and/or all waste gas exhaust systems;
f. Biofiltration/bio trickling filters for waste gas exhaust systems;
g. Fine bubble aerators to wastewater treatment tanks or ponds to increase treatment efficiency and dissolved oxygen to prevent odor-generating anaerobic activity;
h. Hooded enclosures on grit dumpsters and belt filter presses, primary clarifier weir covers, and/or channel seals;
i. Wet and dry scrubbers on waste gas exhaust systems from treatment tanks;
j. Caustic and hypochlorite chemical scrubbers on waste gas exhaust systems from treatment tanks;
k. Ammonia scrubber on waste gas exhaust from treatment tanks;
l. Energy-efficient blower system to increase treatment efficiency and dissolved oxygen levels;
m. Thermal oxidizer to oxidize all waste gas exhaust;
n. Caps or covers on storage basins and anaerobic ponds to avoid release of odorous compounds.

Archaeological Resources

11. **AR/mm-1 At the time of application for subdivision improvement plans or grading permits**, the applicant shall delineate archaeological sites SLO-1317, SLO-2522, SLO-2526, and SLO-2528 as Environmentally Sensitive Areas (ESA)s on the project plans. ESAs shall be specified in the open space easement as applicable, to ensure full protection, and shall not include a reference to archaeological resources. All new development including proposed replacement vineyards shall be located outside the designated ESAs. ESAs that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and the limits of the sensitive area shall be fenced prior to any grading.

12. **AR/mm-2 At the time of application for subdivision improvement plans or grading permits**, the applicant shall delineate the archaeological sites SLO-2523 and SLO-2527 as ESAs on the project plans, and shall show clean, sterile fill placed over the central shell loci of the ESA. A layer of other conspicuous material (e.g., fill of a noticeable different color and texture than native soil) shall be placed over the native soil prior to placement of the fill material. Only sufficient fill shall be placed over the site so as to allow native soils to remain undisturbed (e.g., 18 inches for footings, 6-8 inches for driveway, parking areas, and road construction).

13. **AR/mm-3 At the time of application for subdivision improvement plans or grading permits**, the applicant shall submit to the Environmental Coordinator (and possibly subject to peer review) for the review and approval, a detailed research design for a Phase III (data recovery) archaeological investigation for SLO-2523, SLO-2524, SLO-2525, and SLO-2527. The Phase III program shall be prepared by a subsurface qualified archaeologist approved by the Environmental Coordinator. The consulting archaeologist responsible for the Phase III program shall be provided with a copy of the archaeological investigations prepared as part of the Laetitia Agricultural Cluster Tract Map and Conditional Use Permit EIR (Gibson, November 2006; Gibson, April 2007;

Gibson, June 2007). The Phase III program shall include, but not be limited to, the following:

a. Standard archaeological data recovery practices;
b. Recommendation of sample size adequate to mitigate for impacts to archaeological site, including basis and justification of the recommended sample size. Sample size should be ten percent of the volume of disturbed area. If a lesser sample size is recommended, supporting information shall be presented that justifies the smaller sample size.
c. Identification of location of sample sites/test units;
d. Detailed description of sampling techniques and material recovery procedures (e.g. how sample is to be excavated, how the material will be screened, screen size, how material will be collected);
e. Disposition of collected materials;
f. Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results;
g. List of personnel involved in sampling and analysis.

Once approved, these measures shall be shown on all applicable plans and implemented during construction.

14. **AR/mm-5 At the time of application for subdivision improvement plans or grading permits for subdivision improvement plans and individual lot development**, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall be applicable to all phases of development, and shall include at a minimum:

a. List of personnel involved in the monitoring activities;
a. Description of how the monitoring shall occur;
b. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
c. Description of what resources are expected to be encountered;
d. Description of circumstances that would result in the halting of work at the project site (e.g., clear definition of what is considered “significant” archaeological resources?);
e. Description of procedures for halting work on the site and notification procedures; and,
f. Description of monitoring reporting procedures.

Biological Resources

15. **BIO/mm-1 Prior to approval of subdivision public improvement plans or grading permits**, the applicant shall obtain all necessary permits, approvals, and authorizations from jurisdictional agencies. These may include, but may not be limited to: (1) ACOE Section 404 Nationwide Permit or Individual Permit for impacts to ACOE jurisdictional wetlands or other waters; (2) RWQCB Section 401 Water Quality Certification for discharges in to “Waters of the U.S.” and/or “Waters of the State”; and (3) CDFW Section 1602 Streambed Alteration Agreement for activities within the tops of banks or outer edges of riparian canopies (whichever extends furthest from the streambeds) of drainages.

16. **BIO/mm-3 At the time of application for subdivision improvement plans or grading permits**, all riparian and wetland areas shall be shown on all construction plans. The riparian/wetland areas shown on grading plans shall be based on the field data collected as part of the EIR analysis. All riparian vegetation planned for removal shall be specified on construction plans. Except for activities requiring removal of riparian trees and associated understory vegetation that are specified on construction plans, all ground disturbances and vegetation removal shall be prohibited within a 20-foot setback from the outer edge of the riparian canopy of any drainage onsite. The construction plans shall clearly show the location of sturdy construction fence that delineates allowable site access and disturbance areas. The number of access routes, size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the project goal.

17. **BIO/mm-4 At the time of application for subdivision improvement plans or grading permits**, the following measure shall be shown on plans: During construction, to avoid erosion and downstream sedimentation, and to reduce impacts to aquatic species, no work shall occur during the rainy season (October 15 through April 15) within 20-feet of the onsite drainages.

18. **BIO/mm-5 At the time of application for subdivision improvement plans or grading permits**, the following measure shall be shown on plans for all work conducted within creeks and drainages: During construction, equipment access and construction shall be conducted from the banks rather than from within drainages. No equipment or fill material shall be staged in or adjacent to any of the site drainages.

19. **BIO/mm-6 At the time of application for subdivision improvement plans or grading permits**, the applicant shall submit a Habitat Revegetation and Restoration Plan for implementation within the project site. The plan shall be prepared by a qualified individual familiar with riparian vegetation and be reviewed and approved by the County. The applicant shall coordinate with resource agencies during development of the Plan, including the United States Fish and Wildlife Service, United States Army Corps of Engineers, and California Department of Fish and Wildlife. The plan shall include but not be limited to the following elements, and shall be modified as applicable to incorporate regulatory agency requirements associated with the permitting process:

    a. Identification of locations selected for revegetation and restoration, including justification for site selection. Compensatory mitigation shall occur within the affected drainage to the maximum extent feasible.
    b. Itemized list of quantity, size and types of plants to be replanted, as well as any other necessary components (e.g., temporary irrigation, amendments, etc.), and methodologies to insure successful reestablishment. Native riparian and wetland species from locally collected stock shall be used.
    c. Final quantification of impact areas and any required mitigation ratios for the impacted areas, including removal or damage of vegetation. The plan shall incorporate a minimum 2:1 ratio for permanently impacted riparian understory and wetland vegetation and minimum 1:1 ratio for temporary impacts to riparian understory and wetland habitat.
    d. Provide for the in-kind replacement and restoration of any native riparian trees that are removed or damaged on a 3:1 ratio; with the exception of oak trees (4:1 for oaks removed and 2:1 for oaks impacted).

e. Detailed maintenance plan, including irrigation, use of natural rain cycles, and removal of invasive vegetation.
f. A schedule and success criteria for a five-year monitoring and reporting program that is structured to ensure the success of the restoration plan, including defined attainable and measureable goals and objectives. The reporting program shall include methods and analysis of results, identification of plan successes and failures, adaptive management plans, and recommendations for failed restoration efforts.
g. Incorporate all additional measures recommended by jurisdictional agencies.

Planting according to the approved revegetation plan shall be completed prior to final inspection.

20. **BIO/mm-9 Prior to approval of subdivision improvement plans or grading permits**, the applicant shall submit a final drainage plan to the County Public Works Department for review and approval. The drainage plan shall ensure that water discharges into riparian and wetland areas shall be done in a non-erosive manner. Erosion control measures shall incorporate the use of natural-fiber, biodegradable meshes for use in erosion blankets and straw waddles to avoid unanticipated harm to terrestrial and aquatic species. All approved drainage measures shall be installed prior to final acceptance of subdivision improvements.

21. **BIO/mm-10 At the time of application for subdivision improvement plans or grading permits**, and subsequent individual lot construction permits, all applicable plans shall clearly show stockpile and staging areas. Short-term stockpiling or long-term placement of fill shall comply with the following wherever possible or applicable during and after all earthmoving activities. The following measures shall be shown on applicable drawings:

a. Be located outside of any drainage ways;
b. Be located outside of any sensitive native vegetation areas (e.g., riparian, wetlands, oak woodlands) and vineyards to remain;
c. Be located outside any habitat containing rare or endangered plant or wildlife species;
d. Be located a minimum distance of 100 feet from any stream, creek, and drainage swale, if located on slopes less than 10%. If located on steeper slopes (greater than 10%), the setback distance shall be increased to ~~500~~ 200 feet minimum. No material shall be placed on slopes greater than 20%;
e. Be located outside of a 100-year floodplain designation;
f. If left permanently, soil shall be compacted to comply with the fill standards of the County Grading Ordinance and/or Uniform Building Code.

All project-related spills of hazardous materials within or adjacent to project sites shall be cleaned up immediately. Spill prevention and cleanup materials shall be onsite at all times during construction. Cleaning and refueling of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to standard BMPs applicable to attaining zero discharge of storm water runoff. No maintenance, cleaning or fueling of equipment shall occur within wetland or riparian areas, or within 100 feet of such areas. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

22. **BIO/mm-13 At the time of application for subdivision improvement plans or grading permits**, the applicant shall prepare an Oak Tree Inventory, Avoidance, and Protection Plan as outlined herein. The plan shall be reviewed by a County-approved arborist prior to approval of grading permits, and shall include the following items:

a. Comprehensive Oak Tree Inventory. This shall include the following information:

1. An inventory of all oak trees at least five inches in diameter at breast height within 50 feet of all proposed impact areas. All inventoried trees shall be shown on maps. The species, diameter at breast height, location, and condition of these trees shall be documented in data tables.
2. Identification of trees that will be retained, removed, or impacted. This information shall be shown on maps and cross-referenced to data tables described in item a.
3. The location of proposed structures, utilities, driveways, grading, retaining walls, outbuildings, community water and wastewater facilities, and impervious surfaces shall be shown on maps. The applicant shall clearly delineate the building sites/building control lines containing these features on the project plans. In addition, the plans shall include any fenced areas for livestock or pets and fuel reduction areas prescribed by CAL FIRE.
4. A landscaping plan that describes the size and species of all trees, shrubs, and lawns proposed to be planted in the project common areas, including the limits of irrigated areas and areas proposed for treated effluent disposal.
5. Revised drainage patterns that are within 100 feet upslope of any existing oak trees to remain. All reasonable efforts shall be made to maintain the historic drainage patterns and flow volumes in the vicinity of these oak trees. If not feasible, the drainage plan shall clearly show which trees would be receiving more or less drainage.

b. Oak Tree Avoidance Measures. Grading and development within proposed lots shall avoid the removal of oak trees to the maximum extent possible. Such activities shall minimize potential disturbance to oaks and their associated root zones to the maximum extent possible, within final sits plans requiring concurrence from county staff to ensure compliance with this provision.

c. Oak Tree Protection Guidelines. Tree protection guidelines and a root protection zone shall be established and implemented for each tree to be retained that occurs within 50 feet of impact areas. The following guidelines shall be included:

1. A qualified arborist shall determine the critical root zone for each retained tree on a case-by-case basis, based upon tree species, age, and size. This area is generally defined as 1.0 to 1.5 times its diameter at breast height. At a minimum, the critical root zone shall be the distance from the trunk to the drip line of the tree.
2. All trees to remain within 50 feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed

above the ground surface. The project arborist shall approve any work within the root protection zone.

3. Unless previously approved by the county, the following activities are not allowed within the root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plants for up to three years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); disturbance of soil that impacts roots (e.g., tilling).
4. The applicant shall minimize trimming of oak trees to remain onsite. Removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain wildlife habitat values associated with the lower branches, 4) retain shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. The amount of trimming (roots or canopy) done in any one season shall be limited as much as possible to reduce tree stress/shock (ten percent or less is best, 25 percent maximum). If trimming is necessary, the applicant shall use a certified arborist when removing limbs. Unless a hazardous or unsafe situation exists, major trimming shall be done only during the summer months.

23. **BIO/mm-14 At the time of application for subdivision improvement plans or grading permits**, the applicant shall submit an Oak Tree Replacement, Monitoring, and Conservation Plan. Of those trees identified in the Oak Tree Inventory, Avoidance, and Protection Plan as being removed or impacted, up to 50 percent may be replaced per county and Kuehl Bill standards. A conservation easement or monetary contribution to the Oak Woodlands Conservation Fund shall be used for the remaining mitigation.

a. The county-approved arborist shall provide or submit approval of an oak tree replacement plan at a minimum 4:1 ratio for oak trees removed and a minimum replacement ration of 2:1 ratio for oak trees impacted (i.e., disturbance within the root zone area).

1. Replacement oak trees shall be from regionally or locally collected seed stock grown in vertical tubes or deep one-gallon tree pots. Four-foot diameter shelters shall be placed over each oak tree to protect it from deer and other herbivores, and shall consist of 54-inch tall welded wire cattle panels (or equivalent material) and be staked using T-posts. Wire mesh baskets, at least two feet in diameter and two feet deep, shall be use below ground. Planting during the warmest, driest months (June through September) shall be avoided. The plan shall provide a species-specific planting schedule. If planting occurs outside this time period, a landscape and irrigation plan shall be submitted prior to permit issuance and implemented upon approval by the county.
2. Replacement oak trees shall be planted no closer than 20 feet on center and shall average no more than four planted per 2,000 square feet. Trees shall be planted in random and clustered patterns to create a natural appearance. Replacement trees shall be planted in natural appearance. As feasible, replacement trees shall be planted in a natural setting on the north side of and at the canopy/dripline edge of existing mature native oak trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where

topsoil is present; and away from continuously wet areas (e.g., lawns, irrigated areas, etc). Replanting areas shall be either in native topsoil or areas where native topsoil has been reapplied. A seasonally timed maintenance program, which includes regular weeding (hand removal at a minimum of once early fall and once early spring within at least a three-foot radius from the tree or installation of a staked "weed mat" or weed-free mulch) and a temporary watering program, shall be developed for all oak tree planting areas. A qualified arborist/botanist shall be retained to monitor the acquisition, installation, and maintenance of all oak trees to be replaced. Replacement trees shall be monitored and maintained by a qualified arborist/botanist for at least seven years or until the trees have successfully established as determined by the County Environmental Coordinator. Annual monitoring reports will be prepared by a qualified arborist/botanist and submitted to the County by October 15 each year. Annual monitoring reports will include specifics discussed below.

3. The restored area shall be at a minimum equal in size to the area of oak woodlands lost or disturbed.

   The applicant can mitigate the remaining 50 percent of the oak woodland impacts by one of the following ways: 1) provide for the protection of oak woodland habitat in perpetuity through acquisition or donation of a conservation easement that includes 2000 square feet per tree removed; 2) provide for funding to the California Wildlife Conservation Board to be used for the purchase of Oak Woodland Conservation Easements.

24. **BIO/mm-16 At the time of application for subdivision improvement plans or grading permits**, the applicant shall submit a Special-status Plant Mitigation Plan that provides for the propagation, planting, and monitoring of Jones' mallow and club-haired mariposa lily at a 5:1 replacement ratio. The mitigation plan shall detail methods for transplanting, propagating, planting, and maintaining the special-status plant species that would be impacted. The plan shall include the following minimum standards:

    a. Identification of replant location(s), including justification for the suitability of the site(s). The replant area shall not be subject to vegetation management (i.e., agricultural areas or fire buffer zones) and shall not displace any sensitive native habitat.
    b. Specific habitat management and protection measures to ensure long-term maintenance and protection of Jones' mallow and club-haired mariposa lily, such as cattle exclusion, fencing and signage, and a seasonally-timed invasive plant removal program.
    c. To ensure the success of any planted or transplanted individuals, the mitigation program will include monitoring and reporting guidelines, such as annual population inventories and habitat assessments, establishment of monitoring reference sites, success criteria based on identified and measureable goals, an adaptive management program to address both foreseen and unanticipated circumstances, and remedial measures to address negative impacts to Jones' mallow and club-haired mariposa lily that may occur during and following construction, and reporting requirements to track successes and failures and ensure consistent documentation methods.

25. **BIO/mm-20 At the time of application for subdivision improvement plans or grading permits**, the applicant shall show on all applicable plans a 35-foot vegetated

buffer between replacement vineyard areas and mapped jurisdictional areas (i.e., wetlands, waters of the U.S.). All agricultural practices including but not limited to road construction, vegetation removal, mowing, and storage, ~~and spraying~~ shall be prohibited within the 35-foot buffer area. The applicant shall maintain and promote the growth of riparian species such as willows, coyote brush, blackberry, and grasses within the buffer areas.

Hazards and Hazardous Materials

26. **HM/mm-2 At the time of application for subdivision improvement plans or grading permits**, the applicant shall submit an access plan showing secondary access at Laetitia Vineyard Drive. Crash gates shall not be allowed. Potential access control measures could include, but not be limited to, a gate controlled by opticom transmitters and detectors, a gate that does not open to allow east-bound ingress or west-bound egress of non-emergency vehicles, use of a "KNOX" box to permit emergency vehicle access, and signage. No occupancy shall occur until all improvements are completed. A 24-hour per day, 7 days per week, 365 days per year guard will be stationed at the access control point on Laetitia Vineyard Drive. The intent of this measure is to prohibit all non-emergency access.

Noise

27. **NS/mm-1 At the time of application for subdivision improvement plans or grading permits**, the applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical consultant for review and approval by the County Planning Department. The Noise Reduction Plan shall include but is not limited to:

    a. Limit all phases of construction to the hours of 7:00 a.m. to 10:00 p.m. Monday through Friday as required by County ordinance;
    b. Regular notification of all existing and future residences within 1,000 feet of the site boundary concerning the construction schedule;
    c. Shield especially loud pieces of stationary construction equipment;
    d. Locate portable generators, air compressors, etc. away from sensitive noise receptors;
    e. Limit grouping major pieces of equipment operating in one area to the greatest extent feasible;
    f. Place heavily trafficked areas such as the maintenance yard, equipment, tool, and other construction oriented operations in locations that would be the least disruptive to surrounding sensitive noise receptors;
    g. Use newer equipment that is quieter and ensure that all equipment items have the manufacturers' recommended noise abatement measures, such as mufflers, engine covers, and engine vibration isolators intact and operational. Internal combustion engines used for any purpose on or related to the job shall be equipped with a muffler or baffle of a type recommended by the manufacturer;
    h. Conduct worker-training meetings to educate and encourage noise awareness and sensitivity. This training should focus on worker conduct while in the vicinity of sensitive receptors (i.e. minimizing and locating the use of circular saws in areas adjacent to sensitive receptors and being mindful of shouting and the loud use of attention drawing language); and,

i. Notify surrounding residences in advance of the construction schedule when unavoidable construction noise and upcoming construction activities likely to produce an adverse noise environment are expected. Noticing shall provide phone number of project monitor, County inspector, construction foreman etc. This notice shall be given one week in advance, and at a minimum of one day in advance of anticipated activities have changed. Project representative shall verbally notify all surrounding residential owners.

28. **NS/mm-2 At the time of application for subdivision improvement plans**, the applicant shall submit construction plans showing a noise attenuation wall located along the northern and northeastern perimeter of the existing access road and parking area adjacent to the existing winery. The wall shall be reviewed by a County-approved acoustical consultant and designed to block the line of sight as measured between the winery access road and parking area and residential lots 46 through 65. The design of the wall shall consist of colors, materials, and articulating features consistent with the surrounding natural landscape.

Public Services and Utilities

29. **PSU/mm-6 At the time of application for subdivision improvement plans**, the applicant shall dedicate land or pay an equivalent public facilities fire fee of $350,000 to be used for the future acquisition of a CAL FIRE station to serve on the proposed project site. The location of the fire station shall be outside of known environmentally sensitive areas, including archaeological sites and biological habitats, and shall not require the removal of vineyards.

Recreation

30. **REC/mm-1 At the time of application for subdivision improvement plans**, the applicant shall provide a multi-use trail corridor easement along Los Berros Road and/or Los Berros Creek consistent with the County's A-1a detached trail standard to the extent feasible. Trail construction is not required. The intent of this condition is to locate a trail west of Highway 101 and north of Los Berros Creek parallel to Los Berros Road. The proposed trail corridor should be located between the Los Berros Creek riparian vegetation line and the existing crop production areas. The location of the trail easement shall be reviewed and approved by the County Parks Division prior to final map recordation or approval of the project's improvement plans, whichever occurs first.

Transportation and Circulation

31. **TR/mm-1,2 At the time of application for subdivision improvement plans**, the applicant shall submit plans to the County Department of Public Works and Caltrans for:

a) a traffic signal and westbound left-turn pocket, or roundabout, at the intersection of Highway 101 Southbound Ramps/Los Berros Road. The applicant shall construct and implement the alternative improvements under a Caltrans encroachment permit or Project Study Report. Intersection widening, signalization, and striping improvements shall be done in accordance with plans on file with the County Public Works Department. No occupancy shall occur until all improvements are completed.

b) a traffic signal and eastbound left-turn pocket or roundabout at the intersection of Highway 101 Northbound Ramps/North Thompson Road. The applicant shall construct and implement the alternative improvements under a Caltrans encroachment permit or Project Study Report. Intersection widening, signalization, and striping improvements shall be done in accordance with plans on file with the County Public Works Department. No occupancy shall occur until all improvements are completed.

OR

The applicant may satisfy this Condition 31, if, prior to recordation of the final map, the Board of Supervisors has added the project site to the South County Road Improvement Fee Program that ensures payment of all of the costs for the improvements listed in paragraphs a and b above. The applicant is responsible for the costs to the County of establishing such a program, including all staff time and the costs of preparing the studies necessary to support the addition to the South County Road Improvement Fee area.

32. **TR/mm-3 At the time of application for subdivision improvement plans**, the applicant shall submit plans to the County Department of Public Works showing installation of a left turn channelization lane at the North Thompson Road/Sheehy Road intersection. The channelization lane shall be implemented prior to final inspection of tract improvements.

33. **TR/mm-4 At the time of application for subdivision improvement plans**, the applicant shall submit plans to the County Department of Public Works showing installation of a stop sign and stop bar striping on the Sheehy Road approach. The stop sign and associated striping shall be implemented prior to final inspection of tract improvements.

34. **TR/mm-5 At the time of application for subdivision improvement plans**, the applicant shall submit plans to the County Department of Public Works and Caltrans to lengthen the deceleration lane at the southbound and northbound off-ramps by 50 feet and lengthen the northbound on-ramp merge acceleration lane by 25 feet. The applicant shall construct and implement the improvements under a Caltrans encroachment permit or Project Study Report, as determined by Caltrans. No occupancy shall occur until all improvements are completed.

Water

35. **WAT/mm-1 At the time of application for subdivision improvement plans**, the applicant shall prepare a Water Master Plan for approval by the County Department of Planning and Building and Environmental Health Services. The Water Master Plan shall be developed by a County-qualified consultant with experience specific to interior and exterior water usage for each type of approved use (e.g., the residential landscape watering section would be prepared by a landscape architect or contractor familiar with the area's vegetation to provide guidelines for residents covering water conservation techniques, and lists of ornamental drought-tolerant plants that would do well in the native soils, etc.). The program shall address all consumer-controlled water uses (e.g., landscaping, washing, showers, etc.). The program shall identify maximum water use of 0.44 acre feet per year, per lot. Once the program is developed, the plan shall also

specify how this information will be disseminated to all future home builders and residents.

a. The Water Master Plan shall show how the initial landscaping will have low-water requirements. As applicable, at a minimum, the following shall be used: (1) all common area and residential irrigation shall employ low water use techniques (e.g., soil moisture sensors, drip irrigation); (2) residential landscaping shall be limited to 1,500 square feet (maximum), with turf area limited to 300 square feet, and with remaining landscaping being drought-tolerant and having low water requirements (e.g., use of native vegetation, etc.); and (3) all common area landscaping shall use no turf or other water intensive groundcover and will use ornamental native plants where feasible.

b. The Water Master Plan shall include a Drought Water Management Program, which shall provide guidelines on how all land uses shall be managed during "severe" drought (drought exceeding three years), including landscaping. These measures would go into effect during periods of "severe" drought. This plan shall include, but is not necessarily limited to:

    1. The definition of a "severe" drought year (as defined by National Oceanic and Atmospheric Administration's Palmer Drought Severity method or other similarly recognized methodology);
    2. Identification of general measures available to reduce indoor water usage for future development;
    3. Identification of specific measures to be applied for landscape watering;
    4. Determination of appropriate early triggers to determine when "severe" drought conditions exist and process for initiating additional water conservation measures for tract and future development;
    5. Proposed drought-management policies shall not include a "reduction or periodic cessation of agricultural irrigation" in order to provide additional water for domestic purposes; and,
    6. The Program shall include a provision to import and provide supplemental water to developed residential lots following implementation of water restrictions and conservation measures.

Once it is determined that a "severe" drought condition exists, restricted (drought) water usage measures shall remain in effect until it is shown satisfactorily to the County that the "severe" drought condition no longer exists.

c. The Water Master Plan shall include provisions that operations of the domestic water system would be monitored in accordance with all applicable standards and regulations using a certified operator(s) to oversee well pumping, storage, distribution, maintenance of the system, and overall water quality in accordance with all State and County requirements. The Water Master Plan shall delineate all domestic wells, pump stations, water tanks, and pipelines, and include a schedule and maximum production rate for each well by month. The Water Master Plan shall incorporate the following restrictions:

    1. Use of Well 11 shall be prohibited during the months of July through December~~for domestic purpose shall be prohibited~~.
    2. Maximum yield for Well 10 shall not exceed 6.5 afy.

3. Maximum yield for Well 11 (during the months of January through June) shall not exceed 17.0 afy.
4. Maximum yield for Well 14 shall not exceed 9.1 afy.
5. Maximum yield for Well 15 shall not exceed 18.8 afy.
6. Total maximum yield (including Wells 10, 11, 14, and 15) shall not exceed ~~62.4~~51.4 afy.

d. The Water Master Plan shall be administered by the Mutual Water Company and enforced by the Homeowners Association.

36. **WAT/mm-3 At the time of application for subdivision improvement plans**, the applicant shall submit revised plans showing the use of tertiary treated effluent to provide irrigation for common area landscaping in a manner consistent with the Basin Plan. These plans shall be incorporated into the Water Master Plan, including, but not limited to, proposed infrastructure and irrigation application rates and schedules.

37. **WAT/mm-4 At the time of application for subdivision improvement plans (for common areas) and prior to permit issuance (for individual lots)**, the following measures shall be shown on applicable plans for landscaped and turf areas, consistent with the approved Water Master Plan:

a. To maximize drought-tolerance and minimize water usage, warm season grasses (excludes Bermuda grass) such as buffalo grass, shall be used;
b. A computerized irrigation controller shall be installed that can estimate cumulative evapo-transpiration losses to establish the most efficient and effective watering regimes;
c. To minimize establishment of shallow roots, the following shall be avoided on turf areas, and provided in all applicable documents (e.g., educational brochure, Covenants, Conditions and Restrictions [CC&Rs], landscape plans): close mowing, overwatering, excessive fertilization, soil compaction and accumulation of thatch; and,
d. Watering times shall be programmed for longer and less frequently rather than for short periods and more frequently.

38. **WAT/mm-8 At the time of application for subdivision improvement plans**, plans shall show that water meters shall be installed at all wells providing water to the proposed project (potable and non-potable uses), and for each approved use/building, consistent with the approved Water Master Plan. All common landscaped areas and structures being provided water shall install a water meter. Monthly meter readings shall be taken at all meters and evaluated for possible water loss from pipes. Should a greater than 15 percent loss of delivered water be shown (or loss amount determined appropriate by the County Public Health Services), the leaking pipe(s) within the development shall be identified and replaced within 60 days from when the leak is detected.

Conditions required to be completed prior to subdivision improvement plan approval

Aesthetic Resources

39. **AES/mm-3 Prior to approval of the subdivision improvement plans**, the applicant shall provide long-term erosion control plans for all disturbed areas. Erosion control

shall include a vegetative component. Prior to ~~recordation~~final acceptance of subdivision improvements, the applicant shall provide independent third-party verification to the County Department of Planning and Building that the vegetative erosion control has been successfully established.

40. **AES/mm-7 Prior to approval of the subdivision improvement plans**, the applicant shall submit a final lighting plan that is consistent with the following measures:

a. Post lighting shall only be used at the ranch headquarters, and shall be fully shielded from public roadways.
b. All lighting required along roadways shall be shielded bollard lighting maximum four feet tall and only used to delineate intersections and critical driving decision points.
c. Lighting shall be the minimum required by county ordinance for a private residential development.
d. Lighting shall not shine light or glare upwards.

41. **AES/mm-19 Prior to approval of the subdivision improvement plans**, the applicant shall modify the ranch headquarters landscape plan to show native trees and shrubs shall be planted and maintained along the north side of Upper Los Berros Road to screen views of the ranch headquarters. The screen planting shall run along the project frontage from the east end of the existing barn nearest the road to remain in place, to a point approximately 200 feet east of the proposed main entry road. The planting shall be designed to look like naturally occurring vegetation. Gaps in the screen planting may occur in order to achieve a natural appearance; however, the gaps shall not be greater than 20 feet in length and shall not occur at intervals closer than 100 feet. Tree species shall include primarily coast live oak and shall be planted from minimum 48-inch box containers.

Air Quality

42. **AQ/mm-1 Prior to approval of subdivision improvement plans or grading permits**, and subsequent individual lot construction permits, applicable plans shall show the following measures. During construction of all phases of development, and individual lot development, the applicants shall:

a. Maintain records showing that all construction equipment is in proper tune according to manufacturer's specifications.
b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation.
d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation.
e. Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance.
f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit.

g. Diesel idling within 1,000 feet of sensitive receptors is not permitted or applicable measures shall be employed as per the direction of the SLOAPCD, including monitoring or low-particulate engine technologies.
h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors, or applicable measures shall be employed as per the direction of the SLOAPCD, including monitoring or low-particulate engine technologies.
i. Electrify equipment when feasible;
j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible.
k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.

43. **AQ/mm-2 Prior to approval of subdivision improvement plans or grading permits, and subsequent individual lot construction permits**, applicable plans shall show the following measures. If the estimated ozone precursor emissions from the actual fleet for a given construction phase are expected to exceed the SLOAPCD threshold of significance after the standard mitigation measures are factored into the estimation, then Best Available Control Technologies (BACT) shall be implemented to further reduce these impacts. The BACT measures shall be approved by the County Planning and Building Department and SLOAPCD, and can include:

a. Further reducing emissions by expanding use of Tier 3 and Tier 4 off-road and 2010 on-road compliant engines;
b. Repowering equipment with the cleanest engines available; and
c. Installing California Verified Diesel Emission Control Strategies. These strategies are listed at http://www.arb.gov/diesel/verdev/vt/cvt.htm

44. **AQ/mm-3 Prior to approval of subdivision improvement plans or issuance of grading permits, and subsequent individual lot construction permits**, the applicant or individual lot developer shall submit a SLOAPCD-approved Construction Activity Management Plan (CAMP), which shall include, but not be limited to the following elements:

a. Dust Control Management Plan that encompasses all, but is not limited to, measures identified in AQ/mm-11 and AQ/mm-13;
b. Tabulation of on- and off-road construction equipment information (e.g., make, model, type, engine tier, DPM Level 3 filter age, horse-power, and miles or hours of operation);
c. Construction truck trips scheduled during non-peak hours to reduce peak-hour emissions;
d. Limited construction work-day period, if necessary; and
e. Phase construction activities, if appropriate.

45. **AQ/mm-4 Prior to approval of subdivision improvement plans or issuance of grading permits**, if total emissions (including subdivision improvements and estimates of individual lot development) of ROG+NOx with the above mitigations still exceed SLOAPCD quarterly Tier 2 thresholds (6.3 tons/quarter ROG+NOx and/or 0.32 tons/quarter DPM), the applicant shall secure SLOAPCD-approved off-site reductions in ROG+NOx emissions to ensure that ROG+NOx emissions do not exceed the SLOAPCD quarterly thresholds. Coordination with the SLOAPCD should begin at least 6 months prior to issuance of grading permits for the project to allow time for refining calculations and for the SLOAPCD to review and approve the CAMP and off-site

mitigation approach. The CAMP and off-site mitigation measures shall be approved prior to approval of the Final Tract Map. The current off-site mitigation rate is $16,000 per ton of ozone precursor emission (NOx + ROG) over the SLOAPCD threshold calculated over the length of the expected exceedance. The applicant may use these funds to implement SLOAPCD approved emission reduction projects near the project site or may pay that funding level plus an administration fee (2012 rate is 15%) to the APCD to administer emission reduction projects in close proximity to the project. The applicant shall provide this funding at least two (2) months prior to the start of construction to help facilitate emission offsets that are as real-time as possible. Examples off-site mitigation strategies include, but are not limited to, the following:

a. Fund a program to buy and scrap older heavy-duty diesel vehicles or equipment;
b. Replace/repower transit buses;
c. Replace/repower heavy-duty diesel school vehicles (i.e. bus, passenger or maintenance vehicles);
d. Retrofit or repower heavy-duty construction equipment, or on-road vehicles;
e. Repower or contribute to funding clean diesel locomotive main or auxiliary engines;
f. Purchase VDECs for local school buses, transit buses or construction fleets;
g. Install or contribute to funding alternative fueling infrastructure (i.e. fueling stations for CNG, LPG, conductive and inductive electric vehicle charging, etc.);
h. Fund expansion of existing transit services; and,
i. Replace/repower marine diesel engines.

46. **AQ/mm-10 Prior to approval of subdivision improvement plans or grading permits, and subsequent individual lot construction permits**, if it is determined that portable engines and portable equipment will be utilized, the contractor shall contact the SLOAPCD and obtain a Permit to Operate. This equipment shall be registered in the statewide portable equipment registration program. Contact SLOAPCD Engineering Department at 781-5912.

47. **AQ/mm-11 Prior to approval of subdivision improvement plans or issuance of grading permits**, and subsequent individual lot construction permits, a Dust Control Plan shall be prepared and submitted to the SLOAPCD for approval prior to commencement of construction activities. The Dust Control Plan shall:

a. Use SLOAPCD approved Best Management Practices (BMPs) and dust mitigation measures;
b. Provide provisions for monitoring dust and construction debris during construction;
c. Designate a person or persons to monitor the dust control program and to order increased watering or other measures as necessary to prevent transport of dust off-site. Duties should include holiday and weekend periods when work may not be in progress;
d. Provide the name and telephone number of such persons to the SLOAPCD prior to construction commencement.
e. Identify compliant handling procedures.
f. Fill out a daily dust observation log.

48. **AQ/mm-12 Prior to approval of subdivision improvement plans or issuance of grading permits**, and subsequent individual lot construction permits, the applicant shall:

a. Obtain a compliance review with the SLOAPCD prior to the initiation of any construction activities;
b. Provide a list of all heavy-duty construction equipment operating at the site to the SLOAPCD. The list shall include the make, model, engine size, and year of each piece of equipment. This compliance review will identify all equipment and operations requiring permits and will assist in the identification of suitable equipment for the catalyzed diesel particulate filter;
c. Apply for an Authority to Construct from the SLOAPCD.

49. **AQ/mm-13 Prior to approval of subdivision improvement plans or issuance of grading permits, and subsequent individual lot construction permits**, the following mitigation measures shall be shown on all project plans, included in the Dust Control Plan, and implemented during the appropriate grading and construction phases.

a. Reduce the amount of the disturbed area where possible.
b. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible.
c. All dirt stockpile areas shall be sprayed daily as needed.
d. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established, unless other dust and erosion control measures are specified in the agency-approved Dust Control Plan.
e. All disturbed soil areas not subject to re-vegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD.
f. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible after initial site grading. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
g. Construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
h. All trucks hauling dirt, sand, or other loose materials are to be covered or shall maintain at least two feet of free board (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
i. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
j. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used when feasible.
k. Permanent dust control measures shall be implemented as soon as possible following completion of any soil disturbing activities.
l. Apply water every 3 hours to disturbed areas within the construction site (61% reduction in particulate emissions).
m. Application of soil binders to dirt roads shall be applied to achieve at least an 80% reduction in fugitive dust emissions. All soil binders used shall be 'environmentally friendly' and shall be either lignosulfonate- or calcium lignosulfonate-based approved by the SLOAPCD. All dust control methods, including soil binders, shall be demonstrated in the fugitive dust control plan to ensure compliance with SLOAPCD Rule 401.

n. All roadway, driveway, and sidewalk paving should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
o. The contractor or builder shall designate a person to monitor the fugitive dust emissions and oversee mitigation measure implementation as per SLOACPD approval to minimize dust complaints, reduce visible emissions to less than 20% opacity, and to prevent transport of dust off-site. The designated monitor shall carry out these duties on regular workdays, as well as holidays and weekends when work may not be in progress. The name and telephone number of the designated monitor shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork, or demolition.

50. **AQ/mm-16 Prior to approval of subdivision improvement plans or grading permit issuance**, the following measures shall be included as conditions of approval. Prior to commencement of demolition activities, the applicant shall:

a. Notify the SLOAPCD at least ten working days prior to commencement of any demolition activities;
b. Conduct an Asbestos survey by a Certified Asbestos Inspector;
c. Use applicable disposal and removal requirements for any identified asbestos containing material.
d. Contact the SLOAPCD Enforcement Division prior to final approval of any demolition activity.

51. **AQ/mm-20 Prior to approval of subdivision improvement plans or issuance of grading permits**, if total emissions (including subdivision improvements and estimates of individual lot development) of ROG+NOx, DPM, and GHG with the above mitigations still exceed the thresholds (25 tons/year ROG+NOx and/or PM10; 25 pounds/day ROG+NOx and/or PM10; 1.25 pounds/day DPM; 1,150 CO2e), the applicant shall secure SLOAPCD approved off-site reductions in ROG+NOx, DPM, and GHG emissions from the SLOAPCD to ensure that these emissions do not exceed the SLOAPCD daily and annual thresholds. Off-site emission reduction measures may include, but would not be limited to:

OR

Alternatively, the applicant may satisfy this condition, if, prior to annual emissions exceeding SLOAPCD thresholds (i.e. prior to occupancy of approximately 50% of the proposed 82 homes), the applicant shall accurately estimate the annual exceedance (above 25 tons/year ROG+NOx and/or PM10; 25 pounds/day ROG+NOx and/or PM10; 1.25 pounds/day DPM) over the life of the project (assuming a 50-year life for each home). Using the methodology identified in the 2012 SLOAPACD CEQA Air Quality Handbook (i.e. converting pounds per day to tons per year and dividing by the daily to annual equity ratio value of 5.5 to obtain the tons per year value) and either the current Carl Moyer Program cost effectiveness value ($18,030 per ton as of April 2015) or the value applicable at the time the calculations are made whichever is less, the applicant shall calculate and pay this one-time in-lieu fee to the SLOAPCD. (Note that residential wood burning is not allowed by measure AQ/mm-19 and should not be assumed in detailed calculations of project emissions.)

a. Developing or improving park-and-ride lots;

b. Retrofitting existing homes in the project area with SLOAPCD-approved wood combustion devices;
c. Retrofitting existing homes in the project area with energy-efficient devices;
d. Constructing satellite worksites;
e. Funding a program to buy and scrap older, higher emission passenger and heavy-duty vehicles;
f. Replacing/re-powering transit buses;
g. Replacing/re-powering heavy-duty diesel school vehicles (i.e., bus, passenger, or maintenance vehicles);
h. Funding an electric lawn and garden equipment exchange program;
i. Retrofitting or re-powering heavy-duty construction equipment, or on-road vehicles;
j. Re-powering marine vessels;
k. Re-powering or contributing to funding clean diesel locomotive main or auxiliary engines;
l. Installing bicycle racks on transit buses;
m. Purchasing particulate filters or oxidation catalysts for local school buses, transit buses or construction fleets;
n. Installing or contributing to funding alternative fueling infrastructure (i.e., fueling stations for CNG, LPG, conductive and inductive electric vehicle charging, etc.);
o. Funding expansion of existing transit services;
p. Funding public transit bus shelters;
q. Subsidizing vanpool programs;
r. Subsidizing transportation alternative incentive programs;
s. Contributing to funding of new bike lanes;
t. Installing bicycle storage facilities; and,
u. Providing assistance in the implementation of projects that are identified in city or county bicycle master plans.

Archaeological Resources

52. **AR/mm-4 Prior to approval of subdivision public improvement plans or grading permit issuance**, the applicant shall submit to the Environmental Coordinator, a letter from the consulting archaeologist indicating that all necessary field work as identified in the Phase III program for SLO-2523, SLO-2524, and SLO-2525 has been completed.

53. **AR/mm-8 Prior to approval of subdivision public improvement plans**, the applicant shall show on applicable construction plans the relocation of the proposed effluent disposal area outside of known archaeological sites.

Biological Resources

54. **BIO/mm-2 Prior to approval of subdivision public improvement plans or grading permit issuance**, the applicant shall provide funding for an environmental monitor for all measures requiring environmental mitigation to ensure compliance with County Conditions of Approval and EIR mitigation measures. The applicant shall obtain from a county-approved monitor a cost estimate, based on a county-approved work scope. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor and any county administrative fees shall be paid for by the applicant. The monitor shall be responsible for (1) ensuring that procedures for verifying compliance with environmental mitigations are followed; (2) lines of

communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmentally sensitive areas; (5) authority to stop work; and (6) action to be taken in the event of non-compliance. Monitoring shall be at a frequency and duration determined by the affected natural resource agencies (e.g., ACOE, RWQCB, CDFW, USFWS, and the County of San Luis Obispo).

55. **BIO/mm-15 Prior to approval of subdivision public improvement plans or grading permit issuance**, the applicant shall record an open space or conservation easement that protects 2000 square feet of oak woodland habitat for each tree removed in perpetuity. If an open space conservation easement is provided off-site, the easement should be located in equivalent habitat area in the south portion of San Luis Obispo County (e.g., Nipomo, Arroyo Grande, Pismo Beach, Huasna). The conservation easement shall be controlled by a qualified conservation organization. Potential conservation organizations include but are not limited to: The Nature Conservancy or San Luis Obispo Land Conservancy.

If the applicant is not able to establish an open space or conservation easement, the applicant shall provide funding to the California Wildlife Conservation Board to be used for the purchase of Oak Woodland Conservation Easements. The final funding amount shall include $970.00 for each tree removed.

56. **BIO/mm-19 Prior to approval of subdivision public improvements or grading permit issuance**, the applicant shall coordinate with USFWS to determine the potential for take of California red-legged frog during the proposed activities. Such coordination may result in a Section 10 Consultation (no federal nexus) or Section 7 Consultation (federal nexus) pursuant to the FESA. Formal consultation may result in issuance of a Habitat Conservation Plan or Biological Opinion both of which would provide subsequent mitigation measures that would minimize the potential for take of California red-legged frog during project activities. Subsequent mitigation measures may include but will not be limited to the following:

a. Only USFWS-approved biologists will participate in activities associated with the capture, handling, and monitoring of California red-legged frog.
b. Ground disturbance will not begin until written approval is received from the USFWS that the biologist is qualified to conduct the work.
c. An USFWS-approved biologist will survey the project area 48 hours before the onset of construction activities. If any life stage of the California red-legged frog is found and these individuals are likely to be killed or injured by work activities, the approved biologist will be allowed sufficient time to move them from the site before work activities begin. The USFWS-approved biologist will relocate the California red-legged frog the shortest distance possible to a location that contains suitable habitat and will not be affected by the activities associated with the proposed project. The USFWS-approved biologist will maintain detailed records of any individuals that are moved (e.g., size, coloration, any distinguishing features, photographs [digital preferred]) to assist him or her in determining if trans-located animals are returning to the point of capture.
d. Before any construction activities begin on the project, an USFWS-approved biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the California red-legged frog and its habitat, the specific measures that are being implemented to conserve the species for the current project, and the boundaries within which the project may be accomplished.

Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.

e. An USFWS-approved biologist will be present at the construction site until all California red-legged frogs have been removed, workers have been instructed, and disturbance of the habitat has been completed. After this time, the state or local sponsoring agency will designate a person to monitor onsite compliance with all minimization measures. The USFWS-approved biologist will ensure that this monitor receives the outlined training and in the identification of California red-legged frog. If the monitor or the USFWS-approved biologist recommends that work be stopped because California red-legged frog would be affected to a degree that exceeds the levels anticipated by the USFWS during the review of the proposed action, they will notify the project superintendent immediately. The superintendent will either resolve the situation by eliminating the effect immediately or require that all actions that are causing these effects be halted. If work is stopped, the USFWS will be notified as soon as is reasonably possible.
f. During construction activities, all trash that may attract predators shall be properly contained, removed from the work site, and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.
g. Habitat contours will be returned to their original configuration at the end of the project activities. This measure will be implemented in all areas disturbed by activities associated with the project, unless the USFWS determine that it is not feasible or modification of original contours would not benefit the California red-legged frog.
h. The number of access routes, size of staging areas, and the total area of activity will be limited to the minimum necessary to achieve the project goal. Environmentally Sensitive Areas will be established to confine access routes and construction areas to the minimum area necessary to complete construction, and minimize the impact to California red-legged frog habitat; this goal includes locating access routes and construction areas outside of wetlands and riparian areas to the maximum extent practicable.
i. The applicant will coordinate with the environmental monitor in an effort to schedule work activities for times of the year when impacts to the California red-legged frog would be minimal. For example, work that would affect large pools that may support breeding would be avoided, to the maximum degree practicable, during the breeding season (November through May). Isolated pools that are important to maintain California red-legged frog through the driest portions of the year would be avoided, to the maximum degree practicable, during the late summer and early fall. Habitat assessments, surveys, and informal consultation between the USFWS during project planning shall be used to assist in scheduling work activities to avoid sensitive habitats during key times of year.
j. To control sedimentation during and after project implementation, the applicant will implement best management practices (BMPs) outlined in any authorizations or permits, issued under the authorities of the Clean Water Act that it receives for the project. If BMPs are ineffective, the applicant will attempt to remedy the situation immediately, in consultation with the USFWS.
k. If a work site is to be temporarily dewatered by pumping, intakes will be completely screened with wire mesh not larger than 0.2 inch to prevent California red-legged frogs from entering the pump system. Water will be released or pumped downstream at an appropriate rate to maintain downstream flows during construction. The methods and materials used in any dewatering will be determined by the USFWS on a site-specific basis. Upon completion of construction activities,

any diversions or barriers to flow will be removed in a manner that would allow flow to resume with the least disturbance to the substrate. Alteration of the streambed will be minimized to the maximum extent possible; any imported material will be removed from the streambed upon completion of the project.

l. During construction, water will not be impounded in a manner that may attract California red-legged frogs to the project area.

m. An USFWS-approved biologist will permanently remove any individuals of exotic species, such as bullfrogs (Rana catesbeiana), crayfish, and centrarchid fishes from the project area, to the maximum extent possible. The USFWS-approved biologist will be responsible for ensuring his or her activities are in compliance with the California Fish and Wildlife Code.

Hazards and Hazardous Materials

57. **HM/mm-1 Prior to approval of subdivision public improvement plans or grading permit issuance**, the applicant shall complete and submit a Hazardous Materials Business Plan, or a Business Plan Exemption form, to the County of San Luis Obispo Department of Public Health, Environmental Health Division. As a component of the Hazardous Materials Business Plan, detailed procedures for handling and storage of hazardous materials used on site, and response to emergency or accidental releases of hazardous materials used on site shall be included.

Noise

58. **NS/mm-3 Prior to approval of subdivision improvement plans**, the applicant shall include provisions in the CC&R's prohibiting outdoor amplified events at the ranch headquarters.

Public Services and Utilities

59. **PSU/mm-1 Prior to approval of subdivision improvement plans**, the applicant shall incorporate defensible space design concepts (i.e., security lighting in common areas) into the improvement plans, consistent with County Ordinance standards for exterior lighting, and mitigation measures applicable to exterior lighting, for review and approval by the Planning and Building Department in consultation with the County Sheriff's Department.

Transportation and Circulation

60. **TR/mm-6 Prior to approval of subdivision improvement plans**, the project applicant shall submit a pedestrian circulation plan for review and approval by the County Department of Public Works and Department of Planning and Building. The applicant shall construct any pedestrian improvements called for in the plan. This plan should, to the maximum extent feasible, use existing ranch roads as pedestrian paths connecting the residential clusters with the ranch headquarters/homeowners association facilities and other residential clusters. Appropriate signage should be included on the plan to notify drivers of pedestrians sharing the roadway. Due to the rural character of the site and the expected low pedestrian volumes, sidewalks are not appropriate throughout the residential and agricultural portions of the site.

61. **TR/mm-8 Prior to approval of subdivision improvement plans**, the applicant shall submit road improvement plans to the County Department of Public Works for review, showing the improvement of the shoulders in conformance with County Standard A-1(f) along Sheehy Road. The road improvement plans shall be implemented prior to final inspection of tract improvements.

62. **TR/mm-9 Prior to approval of subdivision improvement plans**, the applicant shall submit road improvement plans to the County Department of Public Works for review, showing roadway improvements in conformance with County Standard A-1(f) along North Dana Foothill Road. No occupancy shall occur until all improvements are completed.

63. **TR/mm-10 Prior to approval of subdivision improvement plans**, the applicant shall submit road improvement plans to the County Department of Public Works and CAL FIRE for review showing roadway improvements in conformance with County Standard A-1(f) along Upper Los Berros Road, up to any proposed residential access road approaches to Upper Los Berros Road. Proposed road improvements shall maintain or improve existing culverts and under-crossings for wildlife migration under the roadway, and shall be subject to review by the U.S. Fish and Wildlife Service and California Department of Fish and Game, as associated with required permits and authorizations. Prior to construction of the Dude Ranch, the unpaved sections of Los Berros Road up to the proposed Dude Ranch access point shall be paved in accordance with County standards. No occupancy shall occur until all improvements are completed.

64. **TR/mm-11 Prior to approval of subdivision improvement plans**, the applicant shall submit a revised site plan showing the proposed access control at Laetitia Vineyard Drive for County Department of Planning and Building and California Department of Forestry and Fire Protection (CAL FIRE) review and approval. This site plan shall detail the features to be installed that will allow emergency access while limiting typical residential traffic. Potential access control measures could include, but not be limited to, a gate controlled by opticom transmitters and detectors, a gate that does not open to allow east-bound ingress of non-emergency vehicles, use of a "KNOX" box to permit emergency vehicle access, and signage. No occupancy shall occur until all improvements are completed. A 24-hour per day, 7 days per week, 365 days per year guard will be stationed at the access control point on Laetitia Vineyard Drive.

65. **TR/mm-13 Prior to the approval of subdivision improvement plans**, the project applicant shall submit a revised site plan to the County for review and approval showing the proposed size of the recreational facilities by use and the associated parking, consistent with the Final Environmental Impact Report. The applicant shall construct the parking as shown in the approved site plan.

Water

66. **WAT/mm-2 Prior to approval of subdivision improvement plans, and upon submittal of the Water Master Plan**, the applicant shall provide funding for a County-qualified consultant to conduct an independent review of the Water Master Plan. The County-qualified consultant shall be under contract to the County of San Luis Obispo. Costs of the independent review, and any county administrative fees, shall be paid for

by the applicant. Any revisions proposed by the consultant shall be incorporated into the Water Master Plan prior to its final approval by the County.

Conditions required to be completed prior to any development on the site

Archaeological Resources

67. **AR/mm-9 Prior to commencement of subdivision public improvements or site grading for subdivision improvements and individual lot development**, the construction foreman, project manager(s), and all construction workers associated with the proposed project shall participate in an archaeological resources training to be conducted by the County-qualified archaeological monitor. The training shall focus on the significance of cultural resources and the legal consequences of looting, disturbing, or destroying these resources. A declaration confirming the training's occurrence shall be prepared by the monitor and signed by all persons in attendance. This signed declaration shall be submitted as part of the Final Archaeological Monitoring Report for each phase of subdivision improvements, and upon completion of applicable individual lot development, per the approved monitoring plan.

Biological Resources

68. **BIO/mm-18 Prior to commencement of subdivision public improvements or site grading, and subsequent individual lot construction permits**, if construction activities are scheduled to occur during the typical bird nesting season (from March 1 to August 31) a qualified biologist shall be retained to conduct a pre-construction survey (approximately one week prior to construction) to determine presence/absence for tree and ground nesting birds. If no nesting activities are detected within the proposed work area, noise-producing construction activities may proceed and no further mitigation is required. If nesting activity is confirmed during pre-construction nesting surveys or at any time during the monitoring of construction activities, work activities shall be delayed within 300 feet (500 feet if raptors) of active nests until the young birds have fledged and left the nest. In addition, the results of the surveys shall be passed immediately to the CDFW and the County, possibly with recommendations for buffer zone changes, as needed, around individual nests. Tree removal in riparian zones shall be monitored and documented by the biological monitor regardless of time of year.

Public Services and Utilities

69. **PSU/mm-5 Prior to commencement of any construction**, the applicant, and all successors-in-interest, shall provide to all contractors (e.g., for tract improvements, grading, home construction, etc.) a list of companies that offer recycling services or drop box service (Construction and Demolition Recycling Providers). All efforts shall be made by the applicant and contractor to recycle 50 percent of waste generated by the project.

Conditions required to be completed during improvement construction or other site disturbance

Air Quality

70. **AQ/mm-14 During construction of subdivision improvement plans and individual lot grading**, the applicant shall maintain monthly compliance checks throughout the construction phase. This includes verifying that all equipment and operations continue to comply with the SLOAPCD requirements. Prior to final inspection monitoring reports shall be provided to the SLOAPCD and County Planning and Building Department for approval.

71. **AQ/mm-15 and AQ/mm-17** No developmental burning shall be allowed. Residential greenwaste burning is prohibited.

Archaeological Resources

72. **AR/mm-6 During all ground disturbing construction activities for subdivision improvements and individual lot development**, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within an area to be determined by the County-qualified archaeologist until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement any follow-up mitigation as required by the Environmental Coordinator.

73. **AR/mm-10 During construction activities and for the life of the project**, in the event of discovered looting or disturbance of resources, all responsible parties shall be reported to the appropriate jurisdiction and local authorities for legal action pursuant to the approved archaeological resources monitoring plan.

Biological Resources

74. **BIO/mm-17 During the initial disturbance of any natural communities or aquatic areas** a qualified biological monitor shall be onsite to capture and relocate any native wildlife species (including California red-legged frog and southwestern pond turtle) that may be harmed by construction activities. The applicant is responsible to ensure that the biological monitor is approved by the appropriate agency to capture and release protected species.

Paleontological Resources

75. **PR/mm-2 During ground disturbing construction activities**, the applicant shall implement the PMRP measures as delineated in the PMRP.

Conditions required to be completed at the time of application for construction permits

Aesthetic Resources

76. **AES/mm-1 At the time of application for construction permits for individual residential lots,** the applicant for each individual lot shall submit grading plans to the County Department of Planning and Building for review and approval. Project CC&Rs shall state that county review of grading plans is required. Site grading on all residential lots shall be minimized to the greatest extent possible. Stepped foundations and other methods shall be used to minimize visible grading and reduce hillside scarring.

Structure floor elevations shall generally follow the natural landform. Unavoidable grading shall be contour-graded where possible to avoid engineered, angular landforms. Slope-rounding shall be used where grading meets the natural topography and where slope grades change. Graded slopes shall not exceed of 2:1 (horiz:vert) to allow for successful revegetation.

77. **AES/mm-2 At the time of application for construction or grading permits**, the applicant shall show on the project plans, the border of cut slopes and fills rounded off to a minimum radius of five feet. For any visible cuts from public roads, sufficient topsoil shall be stockpiled and reapplied or re-keyed over these visible cut areas to provide at least eight inches of topsoil for the reestablishment of vegetation. As soon as the grading work has been completed and prior to final inspection, the cut and fill slopes shall be reestablished with non-invasive, fast growing vegetation.

78. **AES/mm-4 At the time of application for construction permits for individual residential lots**, the applicant for each individual lot shall submit long-term erosion control plans to the County Department of Planning and Building for review and approval. Plans shall include, but not be limited to, the use of revegetation efforts to restore disturbed cut and fill slopes visible from public roadways. Project CC&Rs shall state that county review of erosion control plans is required.

79. **AES/mm-5 At the time of application for construction permits on individual residential lots**, each individual lot applicant shall submit architectural elevations of all proposed structures, walls, and fences to the County Department of Planning and Building for review and approval. Project CC&Rs for residences shall state that county review of elevations and related plans is required and shall outline the parameters specified below. Review shall include any proposed retaining walls and fences. The elevations shall show forms, dimensions, exterior finish materials and colors, as follows:

a. Roofs shall be articulated and follow the general shapes of the hills and avoid flat planes which project against the background in long straight lines or acute angles which may be considered intrusive to the existing natural character of the hills and vegetation.
b. Building, retaining wall, and fence colors shall be similar to surrounding natural colors and no brighter than six in chroma and value on the Munsell Color Chart.
c. Structure exterior wall colors, retaining wall and fence colors shall be limited to muted earth tones. White or off-white colors shall be prohibited.
d. Roof colors shall be limited to deep earth tones, deep muted greens, browns, and grays and no brighter than six in chroma and value on the Munsell Color Scale Chart. Shiny metal roofs, bright orange red or blue roof colors shall be prohibited.
e. Retaining walls shall include landscaping to reduce visibility.

80. **AES/mm-6 At the time of application for construction permits for individual residential lots**, the applicant for each individual lot shall submit landscape screening plans to the County Department of Planning and Building for review and approval. Project CC&Rs for residences shall state that county review of such plans is required and shall outline the parameters specified below.

a. Screen planting shall be included along the western and southern sides of all residential structures.

b. Evergreen trees and large shrubs shall be used that are compatible with the surrounding vineyards. South side plantings may include some deciduous trees where it is shown that solar benefits would exist and where the visual screening function would not be reduced.
c. The landscape plan shall be prepared by a licensed landscape architect and shall provide a minimum 50 percent visual screening of the residential structure as viewed from the west and south within a period of 7 years of approval of the construction permit.
d. Plant types shall be carefully selected to perform well in the existing soil conditions.

All plants within the screen planting area shall be maintained and kept in a healthy condition. Plants that die shall be replaced. Replacement planting shall be based on an evaluation of the cause of the original plant's death and the appropriate horticultural adjustment to ensure future plant success.

81. **AES/mm-8 At the time of application submittal for construction permits on individual residential lots**, each individual lot applicant shall submit an exterior lighting plan to the County Department of Planning and Building for review and approval. Project CC&Rs for residences shall state that county review of the lighting plans is required and shall outline the parameters specified below.

a. The point-source of all exterior lighting shall be shielded from all views outside of the individual lot.
b. Lighting shall not shine light or glare upwards.

82. **AES/mm-17 At the time of application submittal for construction permits on individual residential lots**, plans shall show that all accessory structures shall be located with the building envelope for each lot.

83. **AES/mm-21 At the time of application submittal for construction permits on individual residential lots**, plans shall show that all accessory structures shall be located with the building envelope.

Geology and Soils

84. **GEO/mm-4 At the time of application of grading or building permits for individual lot development**, individual soils engineering reports, prepared by a Soils Engineer, shall be submitted. The report shall conform to the California Building Code.

Public Services and Utilities

85. **PSU/mm-2 At the time of application of construction permits for individual lot development**, the applicant shall submit building plans that incorporate structure defense features, including burglary-resistant hardware, for review and approval by the County Planning Department, in consultation with the County Sheriff's Department. Features shall be installed prior to occupancy clearance. ~~The Sheriff's Department shall ensure compliance prior to occupancy clearance.~~

Water

86. **WAT/mm-10 At the time of application for construction permits for individual lot development**, the applicant shall show on the construction plans, project designs that will promote groundwater recharge (22.52.140) by application of Low Impact Development (LID) design techniques. At least three designer selected LID/stormwater runoff reduction measures shall be applied to the project, including but not limited to the following options:

a. Roof runoff should be directed to landscape areas (rain gardens) and / or vegetated drainage swales and shall not be directed to impervious surfaces that have the potential to contain pollutants.
b. Vegetated drainage swales, buffers, and strips shall be constructed along the access driveway and discharge to an approved location in a non-erosive manner.
c. Landscape plans shall incorporate tree boxes to capture and infiltrate stormwater runoff.
d. Pavement features shall be permeable where feasible.
e. Soil amendments shall be applied to increase infiltration rates.
f. Rain barrels and cisterns shall be used to reduce stormwater runoff.
g. Other measures, as approved by the County Planning Department in consultation with Public Works.

This measure shall be included on an additional map sheet prior to recordation of the final map and incorporated in the Covenants, Conditions, and Restrictions.

Conditions required to be completed prior to issuance of construction permits

Fees

87. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees, and, if any, all applicable road improvement fees.

Aesthetic Resources

88. **AES/mm-22 Prior to issuance of a construction permit for the wastewater treatment facility**, the applicant shall provide wastewater recycling facility building plans showing:

a. Roof and exterior wall colors shall be limited to deep earth tones, browns, and grays and no brighter than six in chroma and value on the Munsell Color Scale Chart. Shiny metal roofs, bright orange red or blue roofs shall be prohibited.

89. **AES/mm-23 Prior to issuance of a construction permit for the wastewater treatment facility**, the applicant shall provide wastewater recycling facility building landscape plans showing:

a. Screen planting shall be included along the western and southern sides of the wastewater recycling building.
b. The landscape plan shall provide 100 percent visual screening of the wastewater recycling building structure as viewed from the west and south within a period of seven years of approval of the construction permit.
c. All plants within the screen planting area shall be maintained and kept in a healthy condition. Plants that die shall be replaced. Replacement planting shall be based on

an evaluation of the cause of the original plant's death and the appropriate horticultural adjustment to ensure future plant success.

Agricultural Resources

90. **AG/mm-2 Prior to issuance of construction permits for individual lot development**, plans shall show that existing trees located between residential building envelopes and agricultural areas shall be retained to the maximum extent feasible to provide a vegetative barrier between residential and agricultural uses.

Air Quality

91. **AQ/mm-5 Prior to issuance of grading permits for tract improvements and individual lot** development, the applicant shall ensure that all grading and construction equipment greater than 100 bhp be equipped with CARB Level 3 diesel particulate filters (DPF), or equivalent, to achieve an 85% reduction in diesel particulate emissions. If CARB verified Level 3 DPFs cannot be secured for all of the equipment greater than 100 hp then the applicant shall work to offset the added DPM with measures including but not limited to schedule modifications, implementation of no idling requirement, and expanded implementation of AQ/mm-1 measures (e.g., use of alternative fueled generators).

92. **AQ/mm-6 Prior to issuance of grading permits for tract improvements and individual lot development**, the applicant shall implement the following idle-restricting measures for both on- and off-road equipment during the project grading and construction phase near sensitive receptors:

a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors or applicable measures shall be employed as per the direction of the SLOAPCD, including monitoring or low-particulate engine technologies;
b. Diesel idling within 1,000 feet of sensitive receptors is not permitted or applicable measures shall be employed as per the direction of the SLOAPCD, including monitoring or low-particulate engine technologies;
c. Use alternative fueled equipment whenever possible; and
d. Signs identifying the no idling requirements must be posted and enforced at the construction site.

93. **AQ/mm-7 Prior to issuance of grading permits for tract improvements and individual lot development**, the applicant shall implement the following idle-restricting measures for on-road vehicles during the grading and construction phases of the project:

a. Section 2485 of CCR Title 13 limits diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of these vehicles:
b. Shall not idle the vehicle’s primary diesel engine for more than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
c. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a

sleeper berth for greater than 5 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

d. Signs shall be posted in the designated queuing areas and job sites to remind on-road equipment operators of the 5-minute idling limit.

94. **AQ/mm-8 Prior to issuance of grading permits for tract improvements and individual lot development**, the applicant shall implement the following idle restricting measures for off-road vehicles during the construction phase of the project:

a. Off-road diesel equipment shall comply with the 5-minute idling restriction identified in §2449(d)(3) of the CARB In-Use off-Road Diesel regulation: www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.
b. Signs shall be posted in the designated queuing areas and job sites to remind off-road equipment operators of the 5-minute idling limit.

95. **AQ/mm-9 Prior to issuance of grading permits for tract improvements and individual lot development**, the applicant shall submit a schedule detailing the phasing of activities and ensuring that the emissions of diesel particulates in any quarter falls below the applicable SLOAPCD thresholds. As an alternative approach, if scheduling is not feasible, the applicant shall provide SLOAPCD-approved off-site reductions in DPM emissions to ensure that DPM emissions do not exceed the SLOAPCD thresholds (refer to AQ/mm-4).

96. **AQ/mm-22 Prior to issuance of building permits for construction of the wastewater treatment facility**, the applicant shall obtain an Authority to Construction from the SLOAPCD.

Biological Resources

97. **BIO/mm-21 Prior to issuance of grading or construction permits**, the applicant shall retain a qualified biologist to conduct biological and botanical surveys of all areas proposed for structural, ~~or~~ trail or roadway improvements. The botanical surveys shall be conducted in accordance with the California Department of Fish and Wildlife Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities.

98. **BIOmm-22** If special-status plant species or sensitive habitats are identified during the botanical surveys, the applicant shall show on the project plans that all improvements would avoid the rare plant occurrences. If avoidance is not feasible, the applicant shall receive authorization from the appropriate agencies to impact the individuals observed; and, in coordination with the agency prepare any required mitigation plans.

Geology and Soils

99. **GEO/mm-2 Prior to issuance of grading or construction permits for tract improvements**, the applicant shall submit plans showing that the design and construction of the tract improvements conform to the recommendations presented in the Engineering Geology Investigation and Preliminary Soil Engineering Report (GeoSolutions, Inc.; December 10, 2004). Excavation, fill, and construction activities

shall conform to Title 19 of the County of San Luis Obispo Building and Construction Ordinance, and the California Building Code.

100. **GEO/mm-3 Prior to issuance of grading or construction permits**, the project Engineering Geologist and Soils Engineer shall review the final grading plan. During construction, the project Engineering Geologist and Soils Engineer shall observe grading operations to document conformance with the recommendations of the Engineering Geology Investigation and Preliminary Soil Engineering Report (GeoSolutions, Inc.; December 10, 2004). Any unusual subsurface conditions encountered during grading should be brought to the attention of the project Engineering Geologist and Soils Engineer.

101. **GEO/mm-5 Prior to issuance of grading or construction permits for the ranch headquarters structures, the dude ranch, the wastewater treatment facility, and the ponds**, the applicant shall submit soils engineering reports prepared by a Soils Engineer, and conforming to Sections 1804.2 through 1804.5 and 3309.5 (or other applicable sections) of the California Building Code. As part of the soils engineering report for the ponds, the natural and proposed slopes surrounding the ponds shall be analyzed for stability under static and seismic conditions, and under the conditions that would be present if seepage from the ponds occurred. The recommendations of the individual soils engineering reports shall be implemented during construction, including but not limited to recommendations specific to building pad preparation, roadway grading and construction, foundation preparation and construction, underground facilities construction, retaining wall preparation and construction, and surface and subsurface drainage management.

102. **GEO/mm-6 Prior to issuance of grading or construction permits**, the project Engineering Geologist and Soils Engineer shall review the final foundation plans for all proposed structures.

103. **GEO/mm-7 Prior to issuance of grading or construction permits for individual lot development, the ranch headquarters, the dude ranch, the wastewater treatment facility, and treated effluent storage ponds**, the applicant shall submit individual soils engineering reports prepared by a Soils Engineer. The reports shall conform to Sections 1804.2 through 1804.5 and 3309.5 (or other applicable sections) of the California Building Code. The soils reports shall address expansion potential and provide appropriate recommendations, which shall include, but not be limited to: the replacement of expansive native soils with non-expansive engineered fill, conventional continuous and spread footings connected with grade beams, drilled cast-in-place concrete caissons connected with grade beams, post-tensioned foundations, or mat foundations. The recommendations of the soils engineering reports shall be implemented during construction.

104. **GEO/mm-8 to issuance of grading or construction permits for development that overlies Monterey formation as determined by individual soils engineering reports** (anticipated to be Lots 80 through 82 in Phase 1, Lots 87, 88, and 89 in Phase Three, and the dude ranch) radon gas testing shall be conducted, and the results shall be submitted to the County Planning and Building Department. In the event that radon gas is determined to be present, buildings shall be designed and constructed in accordance with Environmental Protection Agency (EPA) guidelines for minimizing impacts associated with radon gas exposure.

105. **GEO/mm-9 Prior to issuance of grading or construction permits**, the applicant shall submit plans for structures that shall be designed in accordance with the seismic parameters presented in the Engineering Geology Investigation and Preliminary Soil Engineering Report (GeoSolutions, Inc.; December 10, 2004) and the applicable sections of the California Building Code. The project Engineering Geologist and Soils Engineer shall review the final foundation plans. If any inhabitable structures are planned within 300 feet of either of the postulated alignments of the Wilmar fault, a fault investigation by a Certified Engineering Geologist should be performed to determine the absence or presence of faulting.

106. **GEO/mm-10 Prior to issuance of a construction permits for development within Phase Three, including individual lot development**, water tank construction, and tract road improvements, the applicant shall submit individual soil engineering reports prepared by a Certified Engineering Geologist. The recommendations of the report shall be implemented during construction. The report shall include, but not be limited to, the following:

a. Specific recommendations for stabilization of the landslide materials, including but not limited to removal of landslide debris and replacement with engineered fill.
b. A numerical slope stability analysis under seismic conditions may be necessary to verify slope stability.
c. Analysis of the stability of the slopes surrounding the ponds under seismic conditions, and under the conditions that would be present in the event of seepage from the ponds.

Historic Resources

107. **HR/mm-1 Prior to issuance of construction permits for the proposed ranch headquarters**, a Historic American Buildings Survey (HABS) Level II comparable recordation shall be prepared and submitted to the County Environmental Coordinator for review and approval. The HABS report shall be completed by an architectural historian or historic preservation consultant that meets the Secretary of the Interior's Professional Qualification Standards for History, Architectural History, or Historic Preservation. The report shall incorporate data provided in the Laetitia Agricultural Cluster Tract Map and Conditional Use Permit Project Historical Resources Evaluation Report (Greenwood and Associates; October 2006), and shall include the following:

a. Documentation of historical and architectural significance in the context of its relationship to the surrounding environment;
b. Documentation of historic and current conditions through site plans, historic maps and photographs, published accounts, descriptive text, and large format photographs in accordance with the Secretary of Interiors Standards and Guidelines for Architectural and Engineering Documentation.
c. Archival copies of the report shall be submitted to the California Office of Historic Preservation and the San Luis Obispo County Historical Society. Non-archival copies shall be submitted to the South County Historical Society and the San Luis Obispo City-County Library.

108. **HR/mm-2 Prior to issuance of construction permits for the ranch headquarters**, the applicant shall submit a revised site plan consistent with the following:

a. Preservation of House 1, the Implement Shed and Shop, Stock Barn, cistern, and mature trees (as currently proposed);
b. Preservation of one additional building of historical significance, and one additional historical structure;
c. The hillsides surrounding the ranch complex shall be maintained in their natural state, and all mature trees on site (with the exception of the walnut orchard) shall be retained;
d. The landscape plan shall incorporate tree species currently present onsite including English and/or black walnut trees that would replace in kind trees removed for the project; and,
e. Relocation of historical resources, if moved within close proximity to their original location, can retain their integrity and relevance provided the new location maintains the physical context of a historic district.

109. **HR/mm-3 Prior to issuance of construction permits for the ranch headquarters and removal of historic structures and features**, pursuant to the approved revised site plan, a qualified historic preservation consultant shall inventory significant architectural elements. Items shall be itemized and photographed. Items shall be salvaged and incorporated into the design of the proposed ranch headquarters to the maximum extent feasible. Salvaged items not used in the ranch headquarters shall be offered for curation to local and county historical societies or disposed of in accordance with County surplus procedures.

110. **HR/mm-4 Prior to issuance of construction permits for the ranch headquarters**, the applicant shall submit a Preservation Plan prepared by a qualified historic preservation consultant, which includes all remaining elements of the Campodonico Ranch Complex. All remaining structures shall be secured against weather and deterioration-related to neglect. In addition, all buildings, structures, mature trees, and landscape features to remain that contribute to the potential Campodonico Ranch Historic District shall be maintained, repaired, and/or modified in accordance with The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings.

Paleontological Resources

111. **PR/mm-1 Prior to issuance of construction permits**, the applicant shall submit for the review and approval of the Environmental Coordinator, a detailed research design for a Paleontological Monitoring & Recovery Plan (PMRP). The PMRP shall be consistent with the Paleontological Assessment and Mitigation Plan for the Laetitia Agricultural Cluster San Luis Obispo County, California (Cogstone Resource Management, Inc.; October 2006) and shall be prepared by a qualified paleontologist approved by the Environmental Coordinator. The PMRP program shall include the following at minimum:

a. List of personnel involved in the monitoring activities;
b. Clear identification of what portions of the project (e.g. phases, areas of the site, types of activities);

c. Description of how the monitoring shall occur;
d. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
e. Description of what resources are expected to be encountered;
f. Description of circumstances that would result in the "work diversion" at the project site;
g. Description of procedures for diverting work on the site and notification procedures;
h. Description of monitoring reporting procedures.
i. Disposition of collected materials;
j. Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results.

Public Services and Utilities

112. **PSU/mm-4 Prior to issuance of construction permits for individual lot development**, the applicant shall contribute to public facility and school fee programs, pursuant to State Government Code 65995 et seq.

Transportation and Circulation

113. **TR/mm-7 Prior to the issuance of building permits**, the project applicant shall submit a bicycle circulation plan for review and approval by the County Department of Public Works, Department of Planning and Building, and Parks Division. The applicant shall construct any bicycle improvements called for in the plan. This plan should, to the maximum extent feasible, use existing ranch roads as bicycle paths connecting the residential clusters with the ranch headquarters/homeowners association facilities and other residential clusters. The plan should provide clear connections to the proposed multi-use trails identified in the County Parks and Recreation Element and appropriate traffic control devices at street crossing locations. Due to the rural character of the site, hilly terrain, and the expected low bicycle volumes, on-street Class II bike lanes are not appropriate throughout the residential and agricultural portions of the site. The project applicant shall provide a bicycle rack capable of storing a minimum of five bicycles at the ranch headquarters/homeowners association facility to encourage internal site trips via bicycle

114. **TR/mm-12 Prior to the issuance of building permits**, the applicant shall ensure that sight distances at all on-site intersections and driveways, including street access from Upper Los Berros Road, conform to the standards set forth in the Caltrans Highway Design Manual.

Wastewater

115. **WW/mm-1 Prior to issuance of construction permits for the wastewater treatment plant and associated collection, storage, and disposal facilities**, the applicant shall prepare and submit a project-specific emergency contingency plan including health and safety procedures, implementation of best available technology to ensure de-chlorination and oxidization of treated effluent, and specific operation and maintenance instructions for all system components and equipment during normal operation and in case of reasonable emergency situations. The plan shall also identify emergency notification procedures for alerting onsite and downstream users whenever an unauthorized release of project-generated effluent occurs. Emergency notification should be given as soon as the release is discovered so that downstream well users have adequate response time to take any appropriate measures. In addition to required

permits and authorizations, the plan shall be submitted to the Central Coast Regional Water Quality Control Board, County Department of Public Works, and County Environmental Health Division for review and approval.

116. **WW/mm-2 Prior to issuance of construction permits for the wastewater treatment plant and associated storage and disposal facilities**, the applicant shall demonstrate that the design of the disposal facilities is adequate to withstand traffic loading and disturbance by agricultural uses, pursuant to a wastewater discharge permit issued by the Regional Water Quality Control Board.

117. **WW/mm-4 Prior to issuance of building permits**, the applicant shall provide a letter documenting compliance with Central Coast RWQCB Resolution No. 69-1.

Water

118. **WAT/mm-1 Prior to issuance of any construction permit for Phase Three**, the Mutual Water Company and Homeowners Association shall demonstrate compliance with the Master Water Plan. In the event the Mutual Water Company and Homeowners Association are out of compliance at any time for Phase Two, they shall demonstrate compliance for a minimum of one year prior to issuance of any construction permit for Phase Three.

The Mutual Water Company shall prepare an annual report documenting (at a minimum): water use per residence and for the ranch headquarters; pumping rates for Wells 10, 11, 14, and 15; quantity and rate of tertiary treated water disposal; water loss summary; maintenance activities and corrective actions; and compliance with the conditions of the Water Master Plan. The annual report shall be stamped by a Registered Engineer. The Homeowners Association shall submit the annual report to the County Public Health Services and County Planning and Building Department, and the approved Water Master Plan and annual report shall available for review at the ranch headquarters. For the life of all phases of the project, in the event the Mutual Water Company and Homeowners Association are out of compliance with the Water Master Plan, no additional building permit, operational permit, or business license that requires use of domestic potable water supply will be issued for any lot within the project until any identified remedial work has been completed.

119. **WAT/mm-5 Prior to issuance of building permits for individual lot development and the homeowners association facility, recreation center, and community center,** proposed construction plans shall include indoor water conservation measures identified in the approved Water Master Plan including, but not limited to: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets or installation of high efficiency toilets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. For structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install “point-of-use” water heater “boosters” near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1- to 0.5-inch diameter). This measure shall be included on an additional map sheet prior to recordation of the final map and incorporated in the Covenants, Conditions, and Restrictions.

120. **WAT/mm-6 Prior to issuance of construction permits for individual lot development**, the applicant shall submit landscape plans for the proposed parcels that include the following outdoor conservation measures identified in the approved Water Master Plan: limited irrigated landscape area of 1,500 square feet (maximum), turf area limited to 300 square feet, with remaining landscaping being drought-tolerant and having low water requirements (e.g., use of native vegetation), and incorporation of soil moisture sensors, and drip irrigation systems. This measure shall be included on an additional map sheet prior to recordation of the final map and incorporated in the Covenants, Conditions, and Restrictions.

121. **WAT/mm-7 Prior to ~~issuance of construction permits for individual lot development~~recordation of the final map**, the applicant shall fund or construct the full cost of installing ~~install~~ stream flow gauges within Los Berros Creek to monitor stream flow. ~~Data shall be reported to the County Department of Public Works on an annual basis to provide long-term streamflow monitoring.~~ Installation of the streamflow gauges shall be conducted consistent with identified Biological Resource mitigation for work within riparian and aquatic habitats, and regulatory permits and authorizations issued by federal and state agencies, including but not limited to the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, NOAA Fisheries, California Department of Fish and Wildlife, Regional Water Quality Control Board.

122. **WAT/mm-11 Prior to issuance of construction permits and prior to ground disturbance for all development**, the applicant shall submit a detailed sediment and erosion control plan pursuant to Land Use Ordinance Sections 22.10.155 (Stormwater Management), 22.52.120 (Erosion and Sedimentation Control Plan Required), and 22.52.130 (Stormwater Pollution Prevention Plan Required) for approval, which shall address both temporary and permanent measures to control erosion and reduce sedimentation. Erosion and soil protection shall be provided on all cut and fill slopes. Revegetation shall be facilitated by mulching, hydro-seeding, or other methods, and shall be initiated as soon as possible after completion of grading, and prior to the onset of the rainy season (October 15). Permanent revegetation and landscaping shall emphasize drought-tolerant perennial ground coverings, shrubs, and trees, to improve the probability of slope and soil stabilization without adverse impacts to slope stability due to irrigation infiltration and long-term root development. If vegetation is included as the means to stabilize the soils, it shall be planted at least 30 days before the beginning of the wet season, and watered regularly to ensure adequate root establishment. Otherwise, non-vegetative means shall be employed. All plans shall show that sedimentation and erosion control measures are installed prior to any other ground disturbing work.

This measure shall be included on an additional map sheet prior to recordation of the final map and incorporated in the Covenants, Conditions, and Restrictions.

123. **WAT/mm-12 Prior to issuance of construction permits and prior to ground disturbance**, the applicant shall prepare and submit a Notice of Intent and SWPPP to the RWQCB or SWRCB in accordance with the requirements of the State General Order related to construction projects. The SWPPP shall identify storm water management procedures, pollution control technologies, spill response procedures, and other means that will be used to minimize erosion and sediment production and the release of pollutants to surface water during construction. Compliance will be verified by the County Environmental Monitor through submission of compliance reports. A copy

of the SWPPP shall be submitted to the County for approval to show that sedimentation and erosion control measures are installed prior to any other ground disturbing work.

This measure shall be included on an additional map sheet prior to recordation of the final map and incorporated in the Covenants, Conditions, and Restrictions.

124. **WAT/mm-13 Prior to issuance of grading permits**, the applicant shall incorporate Natural Resource Conservation Service (NRCS) Field Office Technical Guide (FOTG) practices into all grading, erosion, and sedimentation control plans. The NRCS or the Coastal San Luis Resource Conservation District can be contacted at (805) 772-4391 for assistance in implementing FOTG practices.

This measure shall be included on an additional map sheet prior to recordation of the final map and incorporated in the Covenants, Conditions, and Restrictions.

125. **WAT/mm-14 Prior to issuance of construction permits for tract improvements**, the applicant shall submit plans incorporating best management practices to reduce and diffuse stormwater runoff (e.g., rip-rap or other technologies), consistent with the County of San Luis Obispo Post Construction Requirements Handbook (March 2014). The plan shall also demonstrate how pollutants and sediments will be removed from stormwater runoff prior to discharge into natural drainage courses (e.g., low impact development, biofiltration treatment systems, filter blankets, or particulate filters). The Homeowners Association shall be responsible for the long-term maintenance of stormwater management facilities and infrastructure. Proposed measure may include, but not be limited to the following best management practices:

<u>Tract Infrastructure and Common Areas</u>

a. Disperse/Slow Runoff: Use grass-lined swales, infiltration trenches, rolling dips and water bars, out-slope roadways, use compacted gravel or decomposed granite on applicable driveways and roads.
b. Control Concentrated Runoff: Place flow into culverts appropriately sized for runoff volume, extend culvert outlets and fit with energy dissipators, use curbs where applicable to direct runoff on paved roads.
c. Soil Stabilization: Pave road surfaces with asphalt, compacted gravel, or decomposed granite (as applicable), line drainage ditches with rocks, install retaining/slough walls to stabilize road cuts and trap sediments, and stabilize road cuts and sidecast with vegetation.
d. Sediment Retention: Install staged catch basins, install vegetated filter strips, install organic debris filters, and install sediment retention basins.

<u>Individual Lot, Wastewater Treatment Facility, and Ranch/HOA Headquarters Development</u>

a. Disperse Runoff: Direct runoff to infiltration trenches, direct runoff into grass-lined swales and/or open flat vegetated areas.
b. Control Concentrated Runoff: Install roof gutter and downspout systems and control drainage in pipe, install pipe extensions and energy dissipators to safe outlet.
c. Soil Stabilization: Mulch and plant vegetation on exposed soils, install retaining structures to support fill slopes, install retaining/slough walls on cut slopes.
d. Sediment Retention: Install vegetated filter strips in drainage paths and/or in flow dispersion areas, install catch basins at inlets or culvert discharge points, control outflow by dispersion and/or energy dissipation.

126. **Prior to issuance of construction permits for tract improvements**, the applicant shall demonstrate that the public water system is in compliance with Title 17 and Title 22 of the California Code of Regulations.

Conditions to be completed final acceptance of subdivision improvements

Agricultural Resources

~~126. **AG/mm-3 Prior to final acceptance of subdivision improvements**, the applicant shall install no-climb fencing, at the interface between residential uses, ranch headquarters, and residential-only access roads.~~

Biological Resources

127. **BIO/mm-7 Prior to final acceptance of subdivision improvements or construction permit completion**, the applicant must retain a qualified biologist to conduct the five year revegetation monitoring program. The biologist shall supervise site preparation, timing, species utilized, planting installation, maintenance, monitoring, and reporting of the revegetation/ restoration efforts. The applicant shall file a performance security with the County Department of Planning and Building to complete and maintain revegetation and restoration activities for the five year period.

128. **BIO/mm-8** If onsite mitigation for permanent loss of riparian habitat is not feasible, an offsite riparian mitigation component shall be incorporated into the Revegetation and Restoration Plan, subject to review and approval by jurisdictional agencies. Plans for offsite mitigation shall include a monitoring schedule and success criteria to ensure that any offsite restoration/enhancement efforts are successful.

129. **BIO/mm-11** Permanent installation of filtration devices designed to remove oil, grease, and other potential pollutants from storm water runoff shall be installed within thirty days after completion of grading for all project runoff directed to drainages within or adjacent to the project site.

130. **BIO/mm-12** If surfactants or herbicides are used for restoration or residential purposes following construction, application of surfactants or herbicides shall not occur within 20 feet of riparian or wetland areas. Application of herbicides and pesticides shall be conducted in accordance to the product label and performed by an individual in possession of a valid Qualified Applicator License.

This measure shall be included on an additional map sheet prior to recordation of the final map and incorporated in the Covenants, Conditions, and Restrictions.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

Archaeological Resources

131. **AR/mm-7 Upon completion of all monitoring/mitigation activities under the purview of the County-qualified archaeologist, and prior to final inspection of subdivision improvements for each phase, and individual lot development, per**

the approved monitoring plan, the County-qualified archaeologist shall submit a Final Archaeological Monitoring Report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been implemented. If the analysis included in the Phase III program is not complete by the time of final inspection of each phase of tract improvements, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis and submit with the Final Archaeological Monitoring Report.

Paleontological Resources

132. **PR/mm-3 Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection, whichever occurs first**, the consulting paleontologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met and include analysis of all discoveries per the PMRP. If the analysis included in the PMRP program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis.

On-going conditions of approval (valid for the life of the project)

Other

133. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

134. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

135. The applicant shall as a condition of approval of this conditional use permit at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this conditional use permit or the manner in which the County is interpreting or enforcing the conditions of this conditional use permit, or any other action by a third party relating to approval or implementation of this conditional use permit. The applicant shall reimburse the County for any court costs and attorney fees that the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

136. **Within ten (10) days of final approval of this use permit**, the applicant shall, as a condition of approval of this use permit, enter into and record an agreement, in a form approved by County Counsel, providing for the defense and indemnity of the County of

San Luis Obispo, its present or former officers, agents, or employees, at the applicant's sole expense, against any claim, action, or proceeding brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this use permit or the manner in which the County is interpreting or enforcing the conditions of this use permit, or any other action by a third party relating to or arising out of the approval or implementation of this use permit. The agreement shall provide that the applicant shall indemnify the County and reimburse it for any costs and/or attorney's fees which the County incurs as a result of such claim, action, or proceeding, and that the County's participation or non-participation in any such action shall not relieve the applicant of his or her obligations under this condition or the agreement.

Agriculture

137. **AG/mm-1 Prior to transfer of the parcels created by this subdivision**, the applicant or its successor-in-interest shall disclose to all prospective buyers, of all parcels created by this proposal, the consequences of existing and potential intensive agricultural operations on adjacent parcels including, but not limited to: dust, noise, odors and agricultural chemicals and the county's Right to Farm ordinance currently in effect at the time said deed(s) are recorded.

138. **For the life of the project**, the transferor shall deliver to the prospective transferee a written disclosure statement that shall make all prospective homeowners in the proposed Agricultural Residential Cluster Subdivision aware that although potential impacts or discomforts between agricultural and non-agricultural uses may be lessened by proper maintenance, some level of incompatibility between the two uses would remain. This notification shall include disclosure of potential nuisances associated with on-site agricultural uses, including the frequency, type, and technique for pesticide spraying, frequency of noise-making bird control devices, dust, and any other vineyard practices that may present potential health and safety effects. In addition, the notification shall identify that adjoining agricultural land is permanently protected for agricultural uses, and that future agricultural uses may vary from current uses and might include processing facilities, nighttime operation, wind machines, odor, dust, noise, legal chemical applications, use and creation of compost, and/or changes in irrigation patterns and water use. The establishment of new agricultural uses, if established in accordance with standard agricultural practices, will not be considered a nuisance from the time of establishment.

Archaeological Resources

139. **AR/mm-11 For the life of the project**, unauthorized collecting of artifacts, and other activities that could destroy or damage archaeological or cultural sites shall be prohibited. Notice shall be provided to all occupants and employees to discourage these types of activities and warn of violations and imposed fines. This measure shall be listed in the Conditions, Covenants, and Restrictions (CC&Rs) and Agriculture Management Plan for the project.

140. **For the life of the project**, off-road vehicle use, unauthorized collecting of artifacts, and other activities that could destroy or damage archaeological or historical sites shall be prohibited and shall be punishable by fine. The applicant shall prepare a brochure for all homebuyers and other occupants describing the cultural sensitivity of the area

and explaining the prohibitions. Informational material shall be general in content and shall not include any information that could lead to the identification or location of sensitive cultural resources. Homebuyers and other occupants shall acknowledge receipt and understanding of such prohibitions in writing.